

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cr-218-MOC**

UNITED STATES OF AMERICA,)
)
)
vs.)
)
PATRICK O'BRIAN ARTIS,)
)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on Defendant's third pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 56), and on the Government's Motion to Dismiss, (Doc. No. 58).

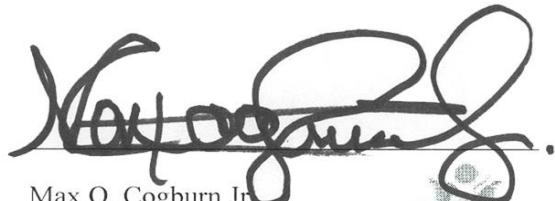
Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on "extraordinary and compelling reasons." But before doing so, they must at least ask the Bureau of Prisons to do so on their behalf and give the Bureau thirty days to respond. See United States v. Raia, No. 20-1033, 2020 WL 1647922, at *1 (3d Cir. Apr. 2, 2020). Defendant failed to exhaust his administrative remedies before filing his first two pro se Motions for Compassionate Release/Reduction of Sentence. Here, as the Government asserts in its motion to dismiss, Defendant still has not exhausted his administrative remedies before filing the pending motion. (Doc. No. 58 at 4-7). Because Defendant has not exhausted available administrative remedies, the Court denies Defendant's motion for compassionate release and grants the Government's motion to dismiss.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se "Motion for Compassionate Release/Reduction of Sentence," (Doc. No. 56), is **DENIED**, without prejudice to Defendant to

refile the motion after he has exhausted his administrative remedies with the BOP. Furthermore, the Government's Motion to Dismiss, (Doc. No. 58), is **GRANTED**.

Signed: November 28, 2022



Max O. Cogburn Jr.
United States District Judge

